

Appointments.

OFFICIAL.

Appointments by the President, by and with the advice and consent of the Senate.

ALEXANDER HAMILTON to be a Commissioner for ascertaining claims and titles to land in the Territory of Florida.

SAMUEL LARNED, of Rhode-Island, to be Secretary of Legation at Chili.

FRANKLIN LITCHFIELD, a citizen of the United States, residing at Porto Cabello in Colombia, to be Consul of the United States at that place.

(For Rules of the House of Representatives, See folio 113.)

THE CONGRESS.

FIRST SESSION, EIGHTEENTH CONGRESS.

Laws.

CHAP. I. An ACT appropriating a certain sum of money for the relief of Daniel D. Tompkins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to pay to Daniel D. Tompkins, late Governor of the State of New-York, out of any money in the Treasury, not otherwise appropriated, the sum of thirty-five thousand one hundred and ninety dollars; being the amount reported in favour of the said Daniel D. Tompkins, by the Accounting Officers of the Treasury, in compliance with the act of Congress, entitled "An act to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New-York," passed the twenty-first February, one thousand eight hundred and twenty-three.

H. CLAY, Speaker of the House of Representatives.

JOHN GAILLARD, President of the Senate pro tempore.

Washington, Dec. 22, 1823.

Approved:

JAMES MONROE.

Proceedings.

SENATE.

Monday, December 22d, 1823.—Fifteenth day.

A communication was received from the commissioners of the General Land Office, transmitting, in obedience to a resolution of the Senate, passed 17th December, (folio 90;) referred to the Committee on Public Lands.

The following petitions and memorials were presented and referred:—*The President and Directors of the Delaware Canal Company*, praying pecuniary aid from Congress;—By Mr. FINDLAY. [Roads and Canals.]

William Eaton, praying compensation for property destroyed, moneys advanced, and services rendered, to the Government, during the late war;—By Mr. EDWARDS, of Conn. [Claims.]

Hadrianus Van Noorden, praying compensation for spoliation committed by the French, in 1796;—By Mr. MACON. [Laid on the table.]

Sundry Insurance Companies and merchants of the City of Philadelphia, praying compensation for property captured by the French, from 1783 to 1815;—By Mr. LOWRANCE. [Foreign Relations.]

Sundry members of the Legislature of the State of Louisiana, residing in that part of the State which lies East of the River Mississippi and the Island of New-Orleans, praying some provision for the proper security of settlements made in that part of the state, since the year 1814;—By Mr. JOHNSON, of La. [Public Lands.]

William W. Montgomery, of the City of New-Orleans, stating that he was security for the late marshal of Louisiana—that on the settlement of the accounts, there appeared a balance in the said Marshal's favor, of over \$5000. But having held some other offices, prior to his appointment as marshal, in which there was a bal-

ance against him, a suit had been commenced against this petitioner, for the recovery of said balance—he prays relief from Congress;—By Mr. JOHNSON, of La. [Claims.]

Mr. RUGGLES, from the Committee on Claims, submitted a report unfavourable to the petition of Hanson Kelly; which was read, and laid on the table.

Mr. SMITH offered the following, which was read; *Resolved*, That the Secretary of the Treasury be directed to lay before the Senate a statement showing the exact amount which will be due and payable to the Commissioners of the Sinking Fund, on the 1st day of January, 1825.

The bill from the House of Representatives for the relief of Charles M. Collier, was read, and passed to a second reading.

On motion of Mr. BENTON, the Senate proceeded to the consideration of Executive business; and, immediately thereafter, *Adjourned*.

Tuesday, December 23d, 1823.—Sixteenth day.

A message of an Executive nature, was received from the President of the United States, by the hands of Mr. JAMES MOSHER, Jr. his Private Secretary.

The following petitions were presented and referred:—*George Graham*, stating that, when acting as a private in an artillery company at Fort M'Henry, during the late war, he was wounded by the bursting of a shell: that, although entitled to a pension, he had not heretofore applied for it, because his situation did not require it; but, his circumstances having since changed, he prays to be allowed to receive his pension from the time he was wounded;—By Mr. SMITH. [Pensions.]

Sundry merchants and ship owners of the town of Saco, in the state of Maine, praying assistance in removing certain obstructions from their harbour;—By Mr. HOLMES, of Maine. [Commerce and Manufactures.]

Thomas Shields, stating that, during the late war, he captured a vessel in the Bay of St. Louis, near New-Orleans, having on board enemy's property; that he had not received such part of said property as he considered himself entitled to, and prays that he may be authorized, by Congress, to receive it;—By Mr. JOHNSON, of La. [Naval Affairs.]

Taylor Berry, praying that he may be allowed to surrender a tract of land, to which he holds a title from the United States, and receive another tract, the title to which is unembarrassed;—By Mr. BENTON. [Public Lands.]

Mr. BARTON, from the Committee on Public Lands, reported the bill, from the House of Representatives, authorizing the Secretary of the Treasury to furnish the Territory of Arkansas with an abstract of the Military Bounty lands within that Territory.

Mr. NOBLE offered a resolution, providing for the establishment of a new post route in the State of Indiana; which was read and laid over for consideration.

The bill for the relief of Charles M. Collier, had its second reading, and was referred to the Committee on Claims.

The resolution submitted yesterday by Mr. SMITH, of Md. was again read, and agreed to.

The Report of the Committee of Claims, unfavourable to the petition of Hanson Kelly, was taken up.

Mr. MACON moved to reverse the report; [which motion was supported by himself and by Messrs. SMITH and BRANCH; and was opposed by Mr. RUGGLES.] On motion of Mr. HAYNE, the report was laid on the table.

Mr. SMITH gave notice, that he should, to-morrow, ask leave to introduce a bill to revive and continue in force sundry acts relative to discriminating duties on imports and tonnage.

On motion of Mr. BENTON, the Senate proceeded to the consideration of Executive business—and, after some time spent therein, *Adjourned*.

Wednesday, December 24th, 1823.—Seventeenth day.

In pursuance of notice given yesterday, Mr. SMITH asked and obtained leave to introduce a bill to revive and continue in force

* Mr. SMITH said, that, as the first loan made during the late war, became due at the time named in his resolution, he wished to know what amount the Treasury would be bound to pay to the Commissioners of the Sinking Fund on that day. The President had stated, that there would be nine millions of dollars in the Treasury at that time. Many Gentlemen, perhaps, suppose that sum to be yet unappropriated; but Mr. S. believed a considerable part of it would fall due to the Sinking Fund; and he wished to know the exact amount

sundry acts relative to discriminating duties on imports and tonnage. The bill was read twice, and referred to the Committee on Finance.

The resolution submitted yesterday by Mr. NOBLE relating to a new post route, was again read, and passed.

The bill from the House of Representatives, to authorize the Secretary of the Treasury to furnish the Territory of Arkansas with an abstract of the military bounty lands within that state, was taken up as in committee of the whole, reported without amendment, and passed to a third reading.

Mr. VAN BUREN gave notice that, on Monday next, he should ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in relation to the election of President and Vice President.

Mr. HOLMES, of Maine, presented the petition of Josiah Hook, praying to be relieved from a judgment recovered against him in the Supreme Court of Massachusetts, when acting in his capacity of Collector of the Customs.

On motion of Mr. EATON, the Senate *Adjourned* till Friday next.

Friday, December 26th, 1823.—Eighteenth day.

Mr. RUGGLES, from the Committee on Claims, reported the bill from the House of Representatives, for the relief of Charles M. Collier, without amendment.

Mr. SMITH, from the Committee of Finance, to whom was referred the bill to revive and continue in force certain acts relative to the collection of duties on imports and tonnage, reported a new bill on the subject.

Mr. BARTON offered the following: *Resolved*, That the Committee on Public Lands inquire into the expediency of exposing to public sale, the lead mines and salines of the United States; and, if such sales be considered expedient, that they then inquire whether any further provision by law be necessary for the purpose of acquiring and diffusing, among the people of the United States, a more general knowledge of the situation and value of those mines and salines, previous to such sales. (1)

Mr. KING, of New-York, presented the petition of Mitchener Cadwallader, stating that he is engaged in the publication of a periodical journal, intended as a national record, and praying to be allowed to take copies of documents, and to be furnished with other facilities. Referred to the Committee on the Library.

Mr. JOHNSON, of Louisiana, presented the petition of Walter S. Chandler, of the District of Columbia, stating that he was the owner of certain certificates for the final settlement of army claims, which certificates had never been paid, in consequence of their having been destroyed by fire in the year 1790, and praying that he may now be paid the amount. Referred to the Committee on Claims.

Mr. KING, of Alabama, presented the petition of Aaron Henshaw, praying compensation for certain services in surveying land. Referred to the Committee on Public Lands.

Mr. NOBLE offered the following: *Resolved*, That the committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Oxford, in the State of Ohio, to Liberty, the county seat for Union county, thence to Brownsville, thence to Dunlapville, thence to Rushville, via Connersville.

Mr. JOHNSON, of La. submitted the following: *Resolved*, That the Postmaster General be instructed to communicate to the Senate all the information in his possession, as to the condition of the National Road, commencing at Madisonville, in the state of Louisiana, and terminating at Florence, on the Tennessee river; and as to the expediency of transporting the mails to and from New Orleans on the said route. (2)

The bills from the House of Representatives, for the relief of Jeremiah Manning, of New Jersey, and of Thomas W. Bacot, Postmaster at Charleston, S. C. were severally read twice, and referred.

Mr. EATON offered a resolution, providing for the biennial election of the officers of the Senate—which was read and laid over for consideration.

The bill from the House of Representatives, proposed as an amendment to the bill passed in the Senate, supplementary to an act to relieve certain persons from prison, was read, and referred to the Committee on the Judiciary.

The report of the Committee on Claims, unfavourable to the petition of Hanson Kelly, of Newbern, N. C. was taken up, and

on motion of Mr. CHANDLER, was re-committed to the same committee, for the purpose of further inquiry.

The bill authorizing the Secretary of the Treasury to furnish the Territory of Arkansas with an abstract of the Military Bounty Lands within said territory, was read the third time and passed.

Mr. MILLS gave notice that, on Monday next, he should ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in relation to the election of President and Vice President. *Adjourned*.

HOUSE OF REPRESENTATIVES.

Monday, December 22d, 1823.—Fifteenth day.

Mr. M'Coy, from the Committee on Claims, reported a bill for the relief of Brickwell Robins:—Read twice and committed.

Mr. WILLIAMS, from the Committee on Claims reported a bill for the relief of Daniel Carroll, of Duddington, and others; twice read and committed.

Mr. RICH, from the Committee on Claims, reported a bill for the relief of London Chase; twice read and committed.

Mr. M'DUFFIE, from the Committee to whom was referred the consideration of the expediency of recommending to the several States, the adoption of certain amendments to the Constitution, made a report, (fol. 107) accompanied by a joint resolution, in the words following: *Resolved, &c.* That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be valid, to all intents and purposes, as a part of the said Constitution:

"For the purpose of choosing a President and Vice President of the United States, each State shall be divided by the Legislature thereof, into so many Districts as the State shall be entitled to Representatives in Congress, and each District shall be composed of contiguous or coterminous territory, and contain, as nearly as may be conveniently, the number of persons for whom the State is entitled to a Representative according to the apportionment; which Districts, when laid off, may not be altered, until after another census shall have been taken. The inhabitants of each of the said Districts, who shall have the qualifications requisite for electors of the most numerous branch of the State Legislature shall appoint one Elector of President and Vice President, having the same qualifications. The Electors appointed shall meet in their respective States, and appoint the two other Electors to which the State is entitled, and also fill up vacancies, if such there shall be, from death, sickness, inability, or non-attendance, of Electors appointed by the people. The whole number of Electors of each State shall then vote, by ballot, for the President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and, in distinct ballots, the person voted for as Vice President; and they shall make lists of all persons voted for as President, and of all persons voted for as Vice President, showing the number of votes given for each, which lists they shall sign and certify, and transmit, sealed up, to the seat of the government of the United States, directed to the President of the Senate, who, on receiving the same, shall call a joint meeting of the Senate and House of Representatives, in which he shall preside. He shall, in the presence of such joint meeting, open all the certificates, and the votes shall be counted. If any person shall have the votes of a majority of the whole number of Electors appointed, he shall be the President; and if no person shall have the votes of such majority, the President of the Senate shall, by proclamation, and by notification to the Executive of each State, as also to each of the Electors appointed, declare the fact, that no person is chosen President, and the names of the persons having the two highest numbers of votes. The Electors shall thereupon meet again in their respective States, fill up vacancies in their body, if any shall have occurred, from death, sickness, inability, or failure to attend, of any of the Electors previously appointed, and shall then proceed to vote for one of the persons, as President, who, at the first meeting, had one of the two highest numbers of votes of all the electors; they shall make and transmit, as already prescribed, lists of the persons voted for at the second meeting, which shall be counted in like manner as the votes given at the first meeting; if, on counting the votes given by the electors of such second meeting, it shall appear that one of the persons who

had one of the two highest numbers of the votes given at the first meeting, has a majority of the votes of all the electors given at the second meeting, he shall be the President; and if no person has such majority, the members of the Senate and House of Representatives, in joint meeting, shall without separating, voting individually, and not by states, choose the President, in manner following; a majority of the whole number of Senators and Representatives present, and voting, being necessary to a choice; if there be two or more persons each of whom have the highest number of electoral votes, given at the second meeting, each one of them shall be chosen; if there be only one person having the highest number of electoral votes, less than a majority, one of the persons who have one of the two highest numbers of votes, shall be chosen; whenever more than two persons shall be eligible by the joint meeting, and no choice shall be made on the first ballot, the number shall be reduced, by dropping those who shall receive the smallest number of votes, until no more than two remain, one of whom shall be chosen; if two persons shall receive an equal number of votes, being each one moiety of the whole number given, he who had the highest number of electoral votes, given at the second meeting, shall be the President; and if they had an equal number of votes at such second meeting, he who had the highest number of electoral votes given at the first meeting, shall be the President, and if they had an equal number of electoral votes, given at the first meeting also, then the Senators and Representatives shall ballot until one of them is chosen.

The person having the highest number of votes as Vice President, given at the first meeting of the electors, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, and a President shall not have been chosen at such first meeting, the same proceedings shall be had for the choice of a Vice President as are prescribed for the choice of a President; but if, at the first meeting of the electors, a President shall have been chosen, and a Vice President shall not have been chosen, then, from the persons having the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the number present, and voting, shall be necessary to a choice.

The Congress may, by law, fix the day for appointing electors for President and Vice President, and the days for giving their votes the first and second time, which days shall be the same throughout the United States; and the day for giving their votes the first time, shall be not less than ten, nor more than twenty, days from the day fixed for the appointment of electors.

The Legislature of each state shall have power to appoint the places of holding elections for the appointment of electors, to prescribe the manner of voting, and to provide for the appointment of proper persons to conduct such elections, with authority to declare, definitively the result thereof; but the Congress may, by law, make or alter such regulations, and may also lay off into districts, for appointing Electors, any State; the Legislature whereof shall have failed to lay off the same as herein directed."

This resolution was twice read, and referred to a Committee of the Whole on the State of the Union.

Mr. McDUFFIE, from the same Committee, also reported the following: *Resolved, &c.* That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several states, which, when ratified by three-fourths thereof, shall be part of said Constitution:

"For the purpose of electing representatives in Congress, each state shall be divided, by the Legislature thereof, into as many districts as will equal the number of Representatives to which such state may be entitled in Congress, and each district shall be composed of contiguous or conterminous territory, and contain, as nearly as may be conveniently, the number of persons which entitles the state to a representative in Congress, according to the apportionment; which districts when laid off, shall not be altered until after another census shall be taken. Each of the said districts shall elect one Representative to Congress, and the times, places, and manner, of holding the elections in the said districts shall be prescribed by the Legislature, of the states respectively; but the Congress may, at any time, by law, make or alter such regulations."

This resolve was also twice read, and committed.

Mr. LIVINGSTON, of Louisiana, offered the following: *Resolved*, That the Secretary of the Treasury be directed to report what progress has been made in erecting light houses on the Dry Tor-

tugas, and at or near Cape Florida, and that he also report whether the security of the navigation of the Gulf stream between Florida and the Bahama Banks, does not require the erection of light houses or beacons, or the placing of buoys or floating lights on some other places on or near the coast of Florida. (1)

Resolved, That the President of the United States be requested to negotiate with the Government of Great Britain, for a cession of so much land on the Island of Abaco, at or near the Hole in the Wall; and on such other place within the acknowledged dominion of that crown on the Islands, Keys, or Shoals on the Bahama Banks, as may be necessary for the erection and support of Light Houses, Beacons, Buoys, or Floating Lights, for the security of navigation over and near the said Banks, and to be used solely for such purposes. (2)

Resolved, That the Secretary of State be directed to ascertain, and report to this House, whether the rocks called the Double Headed Shot Keys, or any other of the rocks or desert islets near the Bahama Banks, but separated therefrom by a deep channel, and on which the security of navigation of the Gulf of Florida requires that Light Houses or Beacons should be placed, are within the dominion of any, and what, foreign kingdom or state, or whether they are not now subject to be appropriated by the right of occupancy. (3)

Mr. HERRICK presented the following: *Resolved*, That the Postmaster General be directed to lay before this House, a statement of the extent of each Post route in the United States, the number of miles the mail is annually transported on each route, with the annual expense of transportation under existing contracts, and the amount of postage which accrued in each route, after deducting the compensation of Postmasters, and incidental expenses for one year next preceding the first day of April last. (4)

On motion of Mr. LATHROP, *Resolved*, That the Committee on the Post Office and Post Roads be directed to consider the expediency of discontinuing the Post-route from Springfield, in Massachusetts, to Stafford in Connecticut.

Mr. BRENT, of Louisiana, moved that the memorial from Mr. COXE, agent of the Marquis of Maison Rouge, be referred to select committee.

Mr. COCKE called for the decision of the House, as to the consideration of the question now, which, being decided in the affirmative, the memorial after some debate was referred to the Committee on private Land Claims.

Mr. BRACK offered the following: *Resolved*, That the Secretary of the Treasury be directed to furnish this House with the amount of exports from the United States to Greece, Asia Minor, and Egypt, during the years 1820, 1821, and 1822; also, the amount of imports therefrom for the same period: distinguishing, in separate columns, the countries now under the control of the Turkish government from those possessed by the Greeks in arms; also, the amount of duties paid on said imports into the treasury of the United States. (5)

On motion of Mr. McCAY, *Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of discontinuing that part of the Post route from Morgantown, in Virginia, to Lewisburg, which lies between Booth's Ferry and Pocahontas Courthouse.

The report of the Committee of Claims, unfavourable to the petition of Garret Fountain, which was some days ago laid on the table, was taken up and read.

* Mr. COCKE wished to refer the claim to the standing Committee on Public Lands instead of a Select one. The great amount, importance, and intricacy, of the claim, were the reasons assigned for the referring it to a select committee, which was objected to on the ground that select committees were always supposed to be favourable to any subject referred to them, whilst standing committees, selected without reference to any particular claim or object, might be considered in the light of impartial tribunals, fully possessed, by experience and inquiry, of the law, and the principles applicable to cases brought before them.

Mr. BRENT explained the motives which induced him to make his motion. Standing between his country and his constituents, it was his desire to see justice administered. As his constituents were opposed to this claim, he might himself be supposed hostile to it. The claim covers an extensive tract of country—it covers thirty-five miles square; nearly the whole of the county of Washington. As it stood at present, the United States could not bring this tract into market. His only object was to obtain a report during this session; and it was matter of indifference to him, what was the decision. If the committee on Public Lands would have time to report, his object would be obtained, but he expressed his doubts on that subject, founded on the opinion of the chairman of the committee.

Those who engaged in this debate were, on the one side, Mr. COCKE, Mr. STERLING, Mr. CONDUCT, and Mr. FOOT; and, on the other, Mr. BRENT, Mr. LIVERMORE, and Mr. MALLARY.

Mr. TYSON moved that the word "not," in the report, which determines against the petitioner be stricken out.

On which, Mr. WILLIAMS called for the reading of a report of the Third Auditor, on the case involved in the bill; after which, Mr. STORRS moved that the report be referred to a Committee of the Whole, and be printed; which was carried.

Mr. WILLIAMS, from the Committee on Claims, reported unfavorably on the petitions of William and John Pierce, John Whipple, and Jacob Snider; which were laid on the table.

The House then went into a Committee of the Whole, Mr. LATHRUP in the Chair, on the bill for the relief of Jeremiah Manning, of New Jersey; which, having been considered, was reported without amendment; and it was ordered to be engrossed for a third reading.

The House went into a committee of the Whole, Mr. CONDUCT in the Chair on the bill for the relief of Thomas W. Bacot, [Postmaster of Charleston, S. C. appropriating a sum of money paid by him for amount of a reward paid for apprehension of a mail robber.] The report of the committee upon the case having been read, the committee rose and reported the bill without amendment, and it was ordered to be engrossed for a third reading.

The House went into a committee of the whole, (Mr. SHARPE in the chair,) on the bill for the relief of Jacob Shaeffer, (a corporal in the army,) who obtained his discharge after twenty months' service, and now asks for the bounty in land; and the report of the committee on Private Land Claims, on the petition, having been read, Mr. STERLING, of Connecticut, moved to strike out the enacting clause of the bill,* the motion was negatived, and the bill being reported to the House, was ordered to be engrossed for a third reading. And then the House adjourned.

Tuesday, December 23d, 1823.—Sixteenth day.

Mr. FLOYD, of Virginia, appeared, was qualified, and took his seat.

Mr. NEWTON, from the Committee on Commerce, reported a bill for the relief Wm. Barker and others; which was twice read and committed.

Mr. WEBSTER, from the Committee on the Judiciary, to whom was referred the bill from the Senate, supplementary to the act "for the relief of persons imprisoned for debt," reported the same, with an amendment, changing the whole tenor of the bill.†

The House concurred in the amendment reported by the Committee; and thus amended, the bill was ordered to a third reading.

Mr. CAMPBELL, from the Committee on Private Land Claims, reported a bill for the relief of John Jenkins; which was twice read and committed to a Committee of the Whole.

Mr. CAMPBELL, from the same Committee, reported a bill for the relief of William Kendall; which was twice read and committed.

Mr. WEBSTER, from the Committee on the Judiciary, moved to be discharged from the consideration of the petition of sundry inhabitants of Pembina, or Lord Selkirk's Settlement, on Red River of Hudson Bay, on the ground that there was nothing in their petition upon which the Judiciary Committee could act; which motion was agreed to.

Mr. WEBSTER, from the same Committee, reported a bill to repeal in part an act, entitled "An act to lessen the compensation for Marshals, Clerks, and Attorneys, in the cases therein mentioned,"—which was read twice and committed.

Mr. WEBSTER, from the same Committee, reported a bill "concerning costs in certain cases," [allowing costs in all cases where Patentees recover more than \$100.] Twice read, and committed.

Mr. LITTLE, from the Committee on Pensions and Revolution-

* This motion was supported by Mr. STERLING, and opposed by Mr. W. SMITH, of Vir. and Mr. CAMPBELL, of Ohio, the chairman of the committee which reported it.

† Mr. W. explained the grounds on which the Committee on the Judiciary had proposed this amendment. The act of 1800, he said, provided that the oath, in the case of insolvent debtors, should be administered by the District Judge; but, if he resides more than twenty miles from the place of imprisonment, then the oath may be administered by a Commissioner, to be appointed by the District Judge. The bill from the Senate proposes to provide, further, that, where a citation has been issued, in case of absence or inability of the Judge, &c. the oath may be administered by a Commissioner, according to the mode prescribed by the act of 1800. The Committee of this House, on examining the subject, thought it better to provide that in all cases the required oath may be administered by a Judge of the Supreme Court, the District Judge of the District in which he resides, or by any Commissioner appointed by either of them. In the shape in which the bill came from the Senate, it would not afford a remedy, it was believed, in the very case which gave rise to it.

ary Claims, reported unfavorably on the petitions of William Broadus, Nathaniel White, Charles Miles, and Andrew Garner. Laid on the table.

Mr. LITTLE, from the same Committee, reported a bill for the relief of Sarah Chitwood, (widow of a Captain in the Tennessee militia,) twice read and referred.

A message was received from the President by Mr. Mosher, his Secretary, relative to progress made in determining the Longitude of the Capitol.—Read and referred to Library Committee.

The resolutions yesterday submitted by Mr. LIVINGSTON, (1) (2) (3) were then taken up and agreed to without opposition.*

The resolution yesterday offered by Mr. HERRICK, (4) was called up and adopted.

The resolution yesterday submitted by Mr. BRECK, (5) was taken up, and [after some time spent in debate in which the speakers were Messrs. BRECK, NEWTON, CAMBRELENG, WEBSTER, WOOD of N. Y. and STORRS, was on motion of Mr. BRECK.] ordered to lie on the table.

Mr. MALEARY submitted the following: *Resolved*, That the President of the United States be requested to lay before this House such information as he may possess (and which may be disclosed without injury to the public good) relative to the determination of any sovereign or combination of sovereigns to assist Spain in the subjugation of her late colonies on the American continent, and whether any government of Europe is disposed or determined to oppose any aid or assistance which such sovereign or combination of sovereigns may afford to Spain for the subjugation of her late Colonies above mentioned. (1)

On motion of Mr. PLUMER, of New Hampshire: *Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for compelling the attendance of witnesses before Commissioners named in commissions issued by the Courts of the United States, for taking evidence in other Districts of the United States than those where the Courts are held; and, also, into the expediency of establishing, by law, a mode of taking evidence in equity cases, depending in the Courts of the United States.

Mr. COOK, of Illinois, offered the following: *Resolved*, That a committee be appointed to inquire into the expediency of reporting a bill to provide for the appointment of a Board of Commis-

* Mr. L. observed, in relation to the first of them, that he was well aware that measures had already been taken by Government, preparatory to the erection of light houses on two of the points referred to, viz: on the Dry Tortugas, and at or near Cape Florida. But, although the necessary surveys were nearly completed, much time must unavoidably elapse before a report of the proceedings could be laid before the Department to which they appertained; and, in the mean while, sufficient information might be laid before Congress to authorize them to act upon the subject, so that the Secretary of the Treasury could advertise, the ensuing season, for contracts for erecting the several works contemplated in the resolutions. Those works, Mr. L. said, were of pressing necessity. The navigation of the seas, over and within the vicinity of the Bahama Banks, was exposed to very great danger, and had already suffered much from shipwrecks. Not to mention the losses which had thus occurred to vessels in the merchant service, the United States had suffered, in wrecks of her public armed vessels, in those seas, more than would have sufficed to cover the expense of the entire system of measures proposed in these resolutions.

The second resolution, he conceived to be necessary for making the navigation of the Bahama Channel, both ways, secure. Ships were continually passing over the Bahama Banks, where the water was shallow, and the neighboring land very low; in consequence of which, they were imminently exposed to shipwreck. The wrecks on Abasco alone would, he said, amount to an immense sum. A light-house on that Island, at or near the site of the Hole in the Wall, would greatly, if not entirely, remove the danger which now existed, and render navigation safe. But, for the erection of such light-house, previous negotiation would be necessary, in order to obtain the ground on which to build it. Of the success of such negotiation there could be no doubt. The British Government had no interest hostile to such a measure; but, on the contrary, they were interested in its favor, for the same reason with ourselves, although not to the same extent. Besides the spots on which light-houses were erected, there were others which ought to be designated by buoys.

The third resolution, Mr. L. said, was intended to obtain information in respect to a class of islets, concerning the true jurisdiction of which he confessed himself to be ignorant; he meant those small rocky islands which are separated from the Bahama Bank by deep channels, and therefore might possibly be considered as not included in the British jurisdiction, which confessedly extends over the Bank itself. If, on investigation, it should appear that these islets do belong to Great Britain, then they would be included in the range of the second resolution, which relates to the cession of the requisite territory for light-houses and beacons. But if, on the contrary, it should be ascertained that they are not British territory, then a question would arise, whether they were not liable to become ours by right of occupancy. They would afford temptations to occupancy for no other purpose than that proposed in the resolution. They contain, in general, no soil, being little more than bare rocks washed by the sea, yet are of such formation as to admit of the placing of buoys and beacons upon them for the warning and direction of the mariner, &c.

sioners to examine and adjust all claims to land by individuals against the United States, where such claims depend on titles derived either from any law of the United States, or act of any foreign governments, and which have been granted to the United States by virtue of any treaty or compact with such foreign governments.*

Mr. FOOT, of Conn. moved to lay the resolution on the table.—Negatived, 75 to 65.

Mr. CONDUCT moved to amend the resolution so as to inquire into the expediency of reporting a plan, &c.

Mr. COOK accepted this amendment as a modification of his motion. [He said it would probably answer his purpose as well as his original motion.]

Mr. WILLIAMS, of North Carolina, moved to amend the resolution, so as to direct the Committee on the Public Lands, instead of a Select Committee, to inquire into the subject.

Mr. RANKIN proposed, as a modification of the motion of Mr. WILLIAMS, an amendment which went to refer the subject to the Committee on Public Lands, with greater latitude for inquiry than the resolution as it stands would allow to them.

Mr. WILLIAMS withdrew his motion, to make way for Mr. RANKIN'S; when

The SPEAKER proceeded to the Orders of the Day, which superseded, for the present day the further discussion of original motions.

The engrossed bill for the relief of Jeremiah Manning, and the engrossed bill for the relief of Thomas W. Bacot, were then severally read a third time, PASSED, and sent to the Senate for concurrence.

The further consideration of the bill for the relief of Jacob Schaeffer, was postponed to Friday next.—Adjourned.

Wednesday, December 24, 1823.—Seventeenth day.

Mr. M'LANE, from the Committee of Ways and Means, reported "A bill for the relief of certain distillers, in the county of Berks, in the state of Pennsylvania;" twice read, and committed.

Mr. M'LANE, from the same Committee, reported "A bill making provisions for a Private Secretary of the President of the United States;" which was twice read and committed.

Mr. M'LANE, from the same Committee, made an unfavorable report on the claim of Harrison Allmand, administrator of James R. Barnet; in which the House concurred.

Mr. RANKIN, from the Committee on Public Lands, to whom was referred the bill making provisions for the correction of errors in the entry of lands at the Land Offices, reported the bill with an amendment, by which the whole of the former bill, after the enacting clause, was stricken out, and a new bill substituted.

The bill was read, as amended, and referred.

Mr. RANKIN, from the same committee, reported a bill granting to the Territory of Arkansas the right of pre-emption to certain quarter sections of land; which was twice read and committed.

Mr. COOK, from the Committee on Indian Affairs, reported a bill "appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana;" read twice and committed.

*Mr. C. said, that something more than four years experience in the House had led him to the conclusion, that much of the time of the House might be saved by the establishment of a tribunal of the description which he proposed, and much of the money of the People, too, the expenditure of which is caused by the protracted Sessions of Congress. It had long been a desirable object to take from this House a great portion of the labor which grows out of the investigation of these claims. It was impossible, indeed, from the nature of things, that the House could thoroughly understand and correctly decide upon the vast number of claims which are continually presented for their consideration. His object, then, was, that some plan should be presented to the House, the details of which might become a subject of consideration after the bill was reported. He adverted to the fact, that more than a million of acres of land are reserved from sale for the purpose of satisfying such claims as should be found admissible, which claims have been kept in suspense, some of them for nearly a quarter of a century, and all of them too long. Injustice was thus done to the government, by keeping up the land from sale, or to the individuals who claim it by withholding from them their right. A Board of Commissioners, if established, might either pass upon the claims definitively, or collect evidence, and digest and report to Congress, with their opinion thereupon. More justice would in this manner be done, as well as much time be saved. For the last four years it had been seen that many measures of national importance had been entirely passed over, for the want of time on the part of the House to act upon them. In consequence of the time occupied by the discussion of land claims, in which Members felt, for their constituents, a deep interest the great subject of Manufactures, for example, among many others, had been tossed aside, or permitted to slumber on the tables. It was to endeavor to provide a remedy for this crying evil, that he had proposed this resolution.

Mr. WILLIAMS, from the Committee of Claims, reported a bill for the relief of Samuel Wharton (who had been deputy to one of the Marshals to take the census in South Carolina;) twice read and committed.

Mr. HEMPHILL, from the Committee on Roads and Canals, reported a bill to authorize the survey and making of a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas; twice read and committed.

Mr. HEMPHILL, from the same Committee, reported a bill "to authorize the laying out and opening of certain public roads in the Territory of Florida;" which was twice read and referred.

The SPEAKER laid before the House a communication from the Postmaster General, relative to the distributing offices throughout the United States; laid on the table.

Mr. COOK'S resolution, proposing the erection of a Board for the investigation of Land Claims of individuals against the United States, which was yesterday submitted was again taken up for consideration.

Mr. RANKIN offered an amendment, which strikes out all the original resolution after the word "Resolved," and substitutes the following words:

"That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for the decision, by some tribunal, of all claims to lands in Louisiana, Mississippi, Alabama, and Missouri, and in the Territory of Arkansas, which claims have been heretofore presented to some one of the Boards of Commissioners heretofore appointed to examine titles and claims to land in said states and territory, but which have not been finally acted upon, because the quantity claimed exceeded that which said Boards were severally authorized to confirm or report to Congress for confirmation."

On motion of Mr. SCOTT, the resolution and amendment were ordered to lie on the table.

The Speaker laid before the House, a communication from the Department of State, respecting sick or disabled American seamen sent to the hospitals in Liverpool; which was laid on the table.

The Speaker also laid before the House a communication from the Department of War, on the petition of Charles Burton, which was referred to the Committee on Pensions and Revolutionary Claims.

The Resolution yesterday offered by Mr. MALLARY, (1) was taken up and agreed to without opposition.

On motion of Mr. TUCKER, of Va. the correspondence between the United States and the French government relative to the claim of Beaumarchais, communicated to the House at the first session of the seventeenth Congress by the President, was referred to a Select Committee.

On motion of Mr. GURLEY: *Resolved*, That the Committee on Public Lands be directed to inquire into the expediency of increasing the salary of the Register and Receiver of the Land Office at St. Helena Court House, in the State of Louisiana.

On motion of Mr. F. JOHNSON: *Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a Judicial District in Kentucky, on the south side of Green River.

On motion of Mr. BUCK, *Resolved*, That the Committee on Military Affairs be directed to inquire into the expediency of authorizing the Secretary of War to permit the issue of ammunition to Capt. Alden Partridge, superintendent of the American Literary, Scientific, and Military Academy, for the improvement of the pupils of said Academy in practical gunnery.*

Mr. LIVINGSTON offered the following, which was laid on the

* Mr. B. said, he wished to explain to the House the object aimed at by the resolution. It merely proposes to instruct the Committee on Military Affairs to inquire into the expediency of issuing such ammunition as might be necessary for improving the young men who were students under Captain Partridge, in the practical part of the art of gunnery, and other military science connected with it. It was conceded by all that his institution was of great utility. It operated as a powerful auxiliary to the progress of military science in our country. There were at present in it one hundred and fifty-five receiving instruction in the various branches of military education; all which were taught with acknowledged ability. But it was not to be expected, that the resources of an individual could provide for the expenses of practical, as well as theoretical instruction. All that he asked, in order to perfect this department of the Academy, was the issue, at the expense of Government, of so much ammunition as was requisite for practising the students in the use of fire arms, and in the application of the principles of gunnery. The quantity was left wholly to the discretion of the Committee, and could not be large. The Government,

table: *Resolved*, That provision ought to be made by law for increasing the establishment of the Military Academy at West Point, so as to admit 500 Cadets as students in the same; and that the Committee on that part of the President's Message which relates to the Military Academy, be directed to prepare and bring in a bill accordingly.

On motion of Mr. M'ARTHUR, *Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of providing a more adequate punishment than is provided by the existing laws, for Postmasters and other persons employed in the management or transportation of the mail, who may be guilty of robbing the same.

The House then proceeded to the Orders of the Day.

The bill from the Senate, entitled "An act supplementary to an act entitled 'An act for the relief of persons imprisoned for debt,' as yesterday amended in this House, was read a third time, PASSED, and returned to the Senate for concurrence in the amendment.

(Mr. B. observed) has not only a general interest in this Institution, as one eminently promoting the improvement of military science; but a particular and direct interest in it, arising from the fact, that of the students at this moment receiving its benefits held several appointments in the United States' navy, and some who contemplated procuring appointments in the army.

(To be continued.)

AMENDMENT to the CONSTITUTION.

REPORT of the Select Committee, appointed on the 5th instant, to take into consideration the subject of amending the Constitution of the United States, in respect to the Election of a President and Vice-President of the United States; accompanied with a joint Resolution to effect that object.

The Select Committee, raised for the purpose of "inquiring into the expediency of recommending to the several States the propriety of amending the Constitution of the United States, in such manner, that the mode of electing the Members of the House of Representatives in Congress may be uniform throughout the United States; also, that the mode of choosing Electors of President and Vice-President of the United States, may be, in like manner, uniform; and also, that the election of the said officers may, in no event, devolve upon the House of Representatives," have had under consideration the subjects committed to their charge, and ask leave to submit the following Report, with the accompanying Resolutions:

The Committee profoundly impressed with the importance of the propositions embraced in the Resolution under which they have been appointed, have felt a corresponding sense of the magnitude and difficulty of the duty imposed upon them by the order of the House. To devise a plan for the election of Members of the House of Representatives, and of the President and Vice-President of the United States, which will correct existing, and obviate impending evils, and at the same time harmonize the conflicting views of States, variously situated and variously affected by it, has been the anxious desire and laborious effort of the committee. How far they have been successful in accomplishing these great objects, they submit it to the indulgence and liberality of the House to determine.

The Constitution of the United States provides, that "the times, places, and manner of holding elections for Representatives, shall be prescribed, in each State, by the Legislature thereof; that Congress may, at any time, by law, make or alter such regulations." It also provides that, "each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in Congress."

The plan submitted by the Committee, proposes, that each State shall be divided into as many districts as will equal the number of Representatives to which the State may be entitled in Congress, and that each of the said districts shall elect one Representative. It also proposes, that each of the said districts shall choose one Elector of President and Vice-President of the United States, and that the Electors thus appointed, in each State, shall choose the two additional Electors to which the State is entitled.

From this collated view of the existing provisions and proposed amendments of the Constitution, it will be seen that a fundamental change is contemplated, in reference to the mode of choosing members of the House of Representatives, and Electors of President and Vice-President of the United States. It is a change, however, which counts among its strongest claims to our favorable consideration, its absolute efficacy in preventing changes. For, it will fix, upon uniform and permanent principles, those creative operations of popular sovereignty, which are now liable to be controlled by the diversified and clashing expedients of twenty-four states, mutually independent. Indeed, an attentive consideration of the nature and functions of a written Constitution, will lead us to the extraordinary but manifest conclusion, that, in relation to the mode of choosing the popular branch of the National Legislature, and of the chief executive magistrate of the Republic, we have no constitutional provision at all. A fixedness and permanence, not liable to be disturbed by ordinary acts of legislation, are essentially involved in the elementary notion of a constitution. Accordingly, in all governments having any just pretensions to civilization or freedom, it has been a primary object to secure those fundamental canons which give organization and impulse to the political system, against any changes proceeding from an authority less solemn and weighty, than the source of sovereignty itself. To secure liberty against the violent tyranny of successive and temporary factions, and also against the more systematic encroachments of ambition, this extraordinary stability of the law which constitutes the government has been found, by universal experience, to be an indispensable safeguard. Yet, in direct violation of this primary and essential principle of regulated freedom, the very foundations of the two most important branches of this government, are permitted to fluctuate with the mutable counsels of twenty-four separate Legislatures. The committee, therefore, believe, that the plan proposed is recommended not less by the consideration that it permanently and uniformly fixes the rule which it introduces, than by the intrinsic superiority of that rule to any other that has been adopted, amidst the changes incident to the existing state of constitutional laxity.

Under the existing system, if system that may be called, which is without system, the inquiry in the respective states is not which is intrinsically the best mode of choosing representatives in Congress, and electors of President and Vice President

of the United States, but what is the best defensive expedient to counteract the regulations of other states, and secure the utmost relative weight in the affairs of the Union. The party which happens to have the ascendancy will thus be furnished with pretexts, at least plausible and imposing, for the adoption of measures calculated to deprive the minority of their just rights, and tending to produce, as they invariably have produced, that acrimonious political excitement which inevitably results from injustice and oppression, however disguised or palliated by motives of public expediency. To prevent majorities from exercising this sort of oppression, is one of the primary objects of a written constitution.

With these general preliminary views, the committee will proceed to the separate consideration of the amendments embraced in the plan submitted to the house.

It has been seen that the "times, places, and manner," of electing the members of this house, are now liable to be prescribed by the Legislatures of the several states, subject to the controlling and superseding power of Congress.

In addition to the remarks already made on the political solecism of placing it in the power of every state government virtually to change the Constitution of the Union, the committee feel bound to examine briefly the nature and tendency of the power thus vested in Congress.

If it should ever happen to this, as it has happened to all other free countries, that the administration of the Republic should fall into the hands of a faction; of men who, having required power by corrupt combinations, would be disposed to retain it in opposition to the will of the people, and to exert it in opposition to their interests, the power in question would become exceedingly dangerous. It is in such periods that those, from whose reluctant grasp the sceptre of dominion is about to be wrested by an indignant people, are exposed to the strongest human temptation to perpetuate their authority by every desperate expedient not absolutely prohibited.

And does not the Constitution almost literally place in their hands precisely such an expedient, in the power of regulating the elections of the members of this body? It is susceptible of demonstration, that the elections might be so arranged by a party in power, that a small minority of the people would elect a majority of the national representatives. The mode of operation would be various, according to varying circumstances. Sometimes the object would be accomplished by changing the district in to the general ticket system; sometimes by an artificial arrangement of districts; and sometimes by a skilful combination of both. As nothing is too desperate for a faction struggling for existence, let us suppose that they should prescribe, as they would have the unquestionable power to prescribe, that, in all those states where a majority of the people were favorable to their purposes, the representatives should be elected by a general ticket, thus suppressing the voice of the minority; and, that all the states opposed to their domination, should be divided into districts, in such manner that the minority of the people should elect a majority of representatives. As examples of such high-handed proceedings are already to be found in the history of several of the state governments, the supposition that the general government, with more powerful inducements to mislead it, will, at some future period pursue a similar course, cannot be considered extravagant or improbable.

The committee, therefore, feel the deepest conviction, that the power now vested in Congress, of controlling the election of its own members, is utterly inconsistent with every just conception of constitutional liberty, and ought no longer to exist.

Having thus attempted to show the necessity of a plan of such permanence, as equally to exclude the disturbing influence, both of the general and state governments, the committee propose to examine the comparative advantages of the general ticket and district systems of electing the representatives in Congress. It will scarcely be denied, that a just regard for the relative weight of each state in the affairs of the Union, requires that one or the other of the systems should prevail in all the states. Upon any question of national policy, in relation to which the interests or wishes of two states should stand mutually opposed, it would be obviously unjust, that the one should have, by means of a general ticket, an undivided vote in this house; while the other, electing by districts, might be almost neutralized by her divisions. It remains, therefore, only that we inquire which of the two systems is intrinsically the best.

In favor of the general ticket system, it has been urged, with considerable plausibility, that, by extending the sphere of selection, the number of competitors, of competent qualifications, will be proportionably increased, and that the influence of demagogues, who can only operate effectually in a small sphere, will be greatly diminished.

It cannot be denied that it sometimes happens, that a particular district might select a representative residing out of its limits, better qualified than any residing within them; but it is to be remarked, that there is nothing in the system proposed, which will prevent a district from electing any resident citizen of the state, without regard to the particular place of his residence. It is true, that each district will generally elect one of its own citizens, from obvious considerations justifying the preference. But this, so far from being an objection, would tend to produce a distribution of the talent of the state, in every view desirable: for, it has been found that talents, like every thing else, will naturally seek the market which promises the most appropriate reward.

That part of the argument under consideration, which assumes that the district system is calculated to give to the arts of demagogues an undue ascendancy, is worthy of a more serious consideration. It will be admitted that this system enables the constituent to become better acquainted with his representative, than is practicable under the other. Can it be maintained then, that, in proportion as we increase the opportunities of the people, to obtain a knowledge of the character and qualifications of the candidates, we diminish the chances of a judicious selection? Is it true, that, in a fair competition before the people, art and hypocrisy will prevail over talent, integrity, and independence? On the contrary, it is confidently believed, that truth will ultimately prevail in all competitions before the people, if maintained with an ability and firmness equal to that by which error is supported. This proposition is the basis upon which only a representative democracy can be sustained.

If it be not true, it then becomes expedient to devise some scheme which will virtually take from the people the elective power. And the committee are of opinion, that the general ticket system is precisely of this description.

In a state of any considerable extent, almost every candidate must, in the nature of things, be unknown to the great body of the people. They, of necessity, vote by faith, and not by knowledge; and the few distinguished politicians who are selected to concentrate the popular opinion, acquire a control over it little short of the power of absolute dictation. Universal experience teaches us that few men are to be found of sufficient firmness and purity to resist the temptation to abuse such power. Cabals and factious combinations, stimulated by selfish views of aggrandizement, are the inevitable consequences.

But, it is not to be expected that this sort of dominion will be quietly submitted to by those politicians who have no participation in it. A contest for the dictatorship ensues, agitating the community, and destroying the harmony of society, by mere personal and family feuds, when there is no difference of principle between the contending parties.

Nor would the evil effects of this state of things be confined to the state. As the political course of opposing parties is very much determined by feelings of mutual antipathy, it would frequently happen, that, when one party supported the existing administration of the general government, the other would stand opposed to it—

Under these circumstances, every revolution produced by the alternate successes and defeats of these rival parties, might increase or diminish the supporters of the general government, by the whole number of the representatives of the state in Congress. Besides the mutability which would be thus communicated to the national councils, the general government, feeling its power to be identified with the fate of a state party, would be tempted to interfere in the political struggles of that state. And, when we consider the effects which might be produced by the judicious distribution of patronage amongst the leaders in such contests, we cannot doubt that the facility and the means of such interference, are equal to the temptation.

It may be justly said of the plan of voting by a general ticket, that it is not consistent with the true theory of a popular representation. The popular branch of the national legislature should exhibit a faithful image of the people. When, for example, a state is divided in its interests and opinions, when some districts are agricultural, some manufacturing, and some commercial, and, if you will, when some are republican, and some federal, each of those districts of people should have a fair representation in Congress. Because one interest or one party happen to be predominant in a state, it is no adequate reason that the rest should be disfranchised, and have no voice in the national councils. This, indeed, would not be a representation of the people, but of the states; giving to this House a federal, instead of a popular origin and character.

A little reflection will convince us, that this is not a mere nominal distinction. Upon all the great political questions, by which this, like all other free governments, must be often divided into parties, the general ticket system, by entirely suppressing the voice of the minority, would cause the representation from each state, in Congress, to be unanimous, on one side or the other. Thus would states be arrayed against states on this floor, stimulated by pride, heated by collisions, and strangled by feelings of rivalry, and throwing into the discussions here, all the violence of local feelings and local prejudices. By the inevitable tendency of this state of things, to produce a geographical formation of parties, we need not the prophetic spirit of Washington to warn us, that the harmony of the Union would be destroyed, and perhaps its existence endangered.

Every thing that tends to strengthen the peculiar and exclusive feelings of state pride and sectional prejudice, inevitably weakens the bonds of the Union. We are, therefore, urged, by all the considerations that attach us to this great palladium of our security and happiness, to adopt such an organization as will break those large masses of political power, whose collisions can never fail to shake our system, to its deepest foundations. It ought never to be forgotten, that the citizens of this republic, though subdivided into states for certain essential purposes, are one people, in all that relates to the general government. Born to a common inheritance, purchased by the toils, the sacrifices, and the blood, of their common ancestors, they should be united, not less by the ties of common sympathy and kindred feeling, than by those of common interest. With a view to give strength and durability to these essential bonds of union, it is of the utmost consequence that the local minorities in the several states, and various geographical divisions of our extensive country, should have a fair and full representation in Congress. In periods of deep political excitement, nothing is better calculated to allay sectional animosities, and subdue the angry spirit of faction, than the mediatorial influence of such representatives.

The committee propose now to consider, more particularly, that part of the resolution committed to their charge, which makes it their duty to inquire into the expediency of establishing a uniform mode of appointing the Electors of President and Vice President of the United States.

Three modes now prevail in the different states. In some, the appointment is made by the legislature; in some, by the people, voting a general ticket; and in some, by the people, voting by districts. By giving each of these modes a separate consideration, we shall be the better enabled to ascertain the relative merits of that which is submitted to the House for its adoption.

Pre-existing bodies, sufficiently small and permanent to be exposed to the tampering and seductive arts of intrigue and corruption, ought to have no agency in the election of a President of the United States, upon any ground short of absolute necessity. State legislatures are bodies of this description, and there is no pretence of a necessity for interposing them between the people and the electoral College. According to the true conception of our political system, the people exercise the elective power. When, from considerations of convenience, agents are appointed for this special purpose, it is not, as in the case of a legislative trust, to exercise their own judgments, but simply to execute the popular will. The assumption, that the legislatures would make a better choice than the people, involves the admission, that their choice would be different from that of the people; an admission which, if the foregoing views be correct, furnishes, in itself, an unanswerable objection to the interposition of such an agency. In proportion, therefore, as the number of intermediate agencies is increased, the chance is multiplied that the will of the people will be defeated, in the choice of a chief magistrate. The committee have no confidence in that sort of artificial and complicated machinery, through which

some suppose it necessary to filtrate the popular will, in order to purify and enlighten it. The stream of elective sovereignty is no where so pure as at its source. Every remove from this, is an advance in a course evidently ending in corruption. Indeed, it is apparent, that the framers of the constitution, by ordaining that "each state shall appoint, in such manner as the legislature thereof may prescribe," the electors of President and Vice-President, intended to exclude the legislatures from making the appointment themselves. That this is the true interpretation of the constitution, is abundantly obvious, as well from the fair import of the words of that instrument, as from the profoundest commentary ever written on it. The authors of the "Federalist," in speaking of the election of the President, use these words: "It was desirable that the sense of the people should operate in the choice of a person to whom so important a trust could be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen by the people for the special purpose, and at the particular conjuncture."

Whatever objections may be urged against the appointment of the electors by the people, no one, it is presumed, will allege that corruption will find, in that mode of proceeding, any scope for its operation. Neither have we any just ground to apprehend that intrigue, operating by means less palpable than corruption, and appealing to motives less profligate than venality, will produce any impression upon the vote of ten millions of freemen, scattered over the vast domain, which is their favored inheritance. The fact that these principles are, from their very nature, incapable of acting upon multitudes, would prevent them from operating upon the people, even if we had not the higher security furnished by their virtue and patriotism.

But it is frequently objected, that the great mass of the people are not sufficiently intelligent to decide upon the qualifications of so important an officer as the chief magistrate of a great Republic, and yet, that, in voting for electors, who are merely the organs of their will, they in fact determine that question. As the history of all nations, of any considerable extent, gives at least a plausible coloring to this objection, it deserves to be deliberately examined. No political principle is more firmly established by the experience of nations, than that the freedom of political institutions cannot rise higher than the intelligence of the people. All attempts to erect free governments upon any other basis than an intelligent population, have always resulted, and must ever result, in reaction and disaster. If, therefore, the committee could believe that the people of the United States are not sufficiently intelligent to perform so essential a function of popular sovereignty as the election of their chief executive magistrate, they could not resist the unwelcome conclusion, that our system of government is but a delusive hope, resting upon unsubstantial foundations, and containing within itself the principles of rapid degeneracy and certain dissolution. Responsibility to the people, we must admit, is the only adequate security for freedom, the great conservative principle of a representative government. And what would be the value of the responsibility of a public agent, to a people not capable of electing him? If, therefore, it could be shown that the people are not competent to elect the President, an argument would result, which it would be difficult to resist, in favor of those political combinations which, under various forms and pretences, are ever ready to assume the province of dictating to the people, and which can only be regarded, when habitual and permanent, as synonymous with corruption.

Under these circumstances, we have a source of just consolation and pride in the reflection, that, in all that relates to the maintenance and enjoyment of a system of practical freedom, history has left no record of a people at all to be compared to the citizens of these U. States.

A very brief notice of the prominent circumstances which distinguish our social and political condition from that of the republican nations of antiquity, and of the civilized nations of modern Europe, will furnish, at once, the evidence and the explanation of this superiority.

No estimate of the comparative condition of this and the ancient republics can be just, which does not embrace the invention of the art of printing, and the consequent establishment of a free press. These causes alone have produced a permanent revolution in the political condition of the human race. Societies of freemen have been improved and enlarged, to a degree utterly unattainable without these efficient means of diffusing intelligence, and the republican system has consequently received a modification and extension, which the wisdom of antiquity would have pronounced impossible. The harangues of their orators, delivered to collected multitudes, were almost the only means of political intelligence enjoyed by the people of the ancient republics. The extent of a republic, or, in other words, of a government emanating from the people, and responsible to them, is confined, by an imperious political necessity, to such limits, that the proceedings of the central administration may be promptly, certainly, and generally communicated to the extremes of the country. Adverting, therefore, to the limited means of communicating intelligence possessed by the ancients, the reason is apparent why their republics were so extremely contracted. They were, of necessity, simple democracies; and, in the days of their greatest purity and splendor, the portion of the people which really governed was confined to their chief cities, because that portion alone was within the

reach of the only existing sources of political intelligence. On the contrary, the great body of the people of the United States, dispersed over an immense region, to whose soil they are attached by the strongest ties, receive daily in the tranquillity of retirement, from books, documents, legislative discussions, and the chronicles of passing events, that knowledge of the affairs of the Republic, which the Greeks and Romans received almost entirely from the occasional debates of their orators before the assemblies of the people. It is, therefore, extremely obvious, that any inference unfavorable to the political capabilities of the American people, which can be drawn from the history of those republics, must be founded upon loose analogies, calculated rather to delude than to enlighten.

A comparison between the United States and the civilized nations of modern times, will lead to results equally flattering.

All the great political societies of modern Europe having a feudal origin, are constructed upon feudal principles. A permanent inequality of property, maintained by law, and consecrated by usage, has naturally produced the extremes of a proud aristocracy and a degraded populace, without any intermediate power sufficient to control their irregular tendencies. In such a state of things, it is not difficult to conceive, that a popular election of the chief executive magistrate would throw the hostile elements of society into such violent collision as to involve in anarchy and ruin all that is sacred in the institutions of the country. But all the American communities which compose the United States, are essentially different, both in their origin and construction, from those of modern Europe. Our ancestors, in the full maturity of reason, with no consecrated errors to embarrass them, reared up, from its simplest elements, a system of practical freedom; and, from the first settlement of the country, every successive generation has been accustomed to exercise the functions of self-government, in every form, and in every variety of combinations. Nor are we less favorably distinguished in the composition of our social system, than in its origin.

The abolition of the laws of primogeniture has produced a general equality of property, and this again, together with the equality of civil and political privileges, has produced a general diffusion of knowledge, of which history furnishes no example. Almost the entire mass of our population corresponds, in character and situation, with what is denominated the middle interest in England, and which is justly considered, by her most enlightened statesmen, as the soundest part of her population. In extending the elective system in the United States, therefore, beyond all former precedents, we do nothing more than adapt our political to our social system. In fact, so widely different is our situation from that of any other nation, that it may be truly said, that the people would be less liable to make an injudicious choice of a chief magistrate, than of any other important officer of the government. Such is the admirable distribution and subordination of political powers in our system, and such the variety of practical schools of preparation and trial through which a statesman must pass, before he can aspire, with any just or reasonable expectations of success, to the highest office in the republic, that the qualifications and pretensions of the candidates can always be determined by the wisdom of their past measures, and the importance of their past services. As these are the only indications of wisdom upon which it would be safe to rely, in the selection of an officer of such vast responsibility and importance, it is satisfactory to reflect, that they are indications, also, of so palpable a kind, that they cannot fail to make their just impression, both upon the intelligence and gratitude of an enlightened and patriotic people.

But another objection, of a kindred spirit with that which has been just considered, is frequently urged against the change proposed. It is said that the appointment of electors by the people would so directly involve the canvass for the Presidency itself, as to produce a degree of popular excitement subversive of the order and peace of society. The remarks already offered, in relation to the dispersion of our population, the peculiar structure of our society, and the general diffusion of intelligence, are sufficient to show, that nothing in the experience of other countries can be regarded as a just foundation for such an apprehension. But there are other views of the subject, which will lead us to the conclusion, that the tendency of the proposed change, upon which this objection is founded, is one of its strongest recommendations.

The order of social virtues and social duties in the United States, is nearly the reverse of that which existed amongst the Greeks and Romans. In an ordinary state of things, when no great emergency calls for patriotic sacrifices, the duty which principally engrosses the feelings and the efforts of an American citizen, is to make provision for his comfortable subsistence, and to satisfy the claims of his family. Whereas, the first consideration of a Greek or a Roman citizen, both in peace and in war, was the glory of his country. Our tendency, therefore, is to give too exclusive an attention to private pursuits, and sink into indifference in relation to the general concerns of the republic; while the tendency of the Greeks and Romans was to intermeddle perpetually in public affairs, to the neglect and detriment of their private concerns. Our danger, therefore, is too much popular apathy; theirs was too much popular excitement. And though the state of things existing here, is more deeply founded in nature, and furnishes a more substan-

trial basis for a durable and extended system of liberty. It certainly indicates the necessity of such constitutional arrangements as will rouse the attention of the people to so great a national question as the election of a chief magistrate. No stronger evidence need be offered, of the existence of such a necessity, than the actual state of public opinion on that subject, at this moment, in many parts of the Union. The people have been so long accustomed to have no practical agency in the election of a President, that the idea is not uncommon, that they have nothing to do with it. As the inevitable tendency of this state of popular indifference is to increase the power and influence of political managers and unprincipled combinations, it is of the last importance that it should be corrected, if possible. The committee are of the opinion that the plan submitted will furnish the remedy.

But it yet remains that we inquire whether the people should vote by a general ticket or by districts. The committee will, therefore, proceed to state the considerations which have induced them to adopt the latter system. It was as evidently the intention of the framers of the constitution, as it is the dictate of sound policy, that the President of the United States should be the choice of the people and not of the States. It is true, they contemplated an infusion of the federal principle into the election, in the proportion of the Senators to the Representatives in Congress; and this proportion is retained in the plan proposed by the committee.

But to extend the federal principle to the whole body of the Electors, would be nothing less than sacrificing the rights, the interests, and the power of the people, to the false and imaginary idol of State consolidation.

Assuming it as an undeniable position, that a majority of the people of the United States have a right to elect the President, and that the will of such majority ought to prevail, it can be demonstrated that the system of voting by a general ticket, would render this fundamental principle of our government the sport of accidental combinations. Six of the States, for example, if they give a unanimous vote, can elect the President. But if they vote by a general ticket, the candidate who obtains a bare majority of the popular vote, receives the unanimous electoral vote of the State. So that, assuming the population of the United States to be eight millions, a little more than two millions of the people might elect the President. Let us again suppose, that there are two States, one containing nine hundred thousand people, and entitled to thirty electoral votes, and the other containing eight hundred thousand people, and entitled to twenty-six electoral votes.—Let us further suppose, that there are two candidates for the Presidency, of whom one is supported by five hundred thousand of the people of the first supposed State, and the other by the remaining four hundred thousand, and the entire eight hundred thousand of the other state. Under these circumstances, the candidate who obtains the support of only five hundred thousand of the people, would receive thirty electoral votes, while twelve hundred thousand people could give the opposing candidate only twenty-six! According to this system of false equations, a large minority of the people is precisely equal to no minority at all. By thus entirely excluding the State minorities from the calculation, in making up the general aggregate, the people are literally immolated, by hundreds of thousands, at the shrine of an artificial and delusive system, which, by making a majority equal to the whole in each State, gives a minority an equal chance for the ascendancy in the Union.

The true popular principle, in the opinion of the committee, is that which prevails in all other popular elections throughout the United States. In the election, for example, of the Governor of a State, by the people, a candidate does not count the unanimous vote of every county where he happens to obtain a majority, but the respective majorities of the several candidates are added to their respective minorities, and the aggregates thus produced, are taken as the true expression of the popular will. If, then, in all that relates to the "common defence and general welfare," the people of the United States are really to be regarded as one people; if all the citizens of the Republic, whether their lot happens to be cast on the one side or the other of an imaginary line, are equally entitled to their vote and their voice, in the common concerns and common councils of the Union; if it be wise to exclude from those councils the peculiar and exclusive feelings of states; and if the man who is to preside over the common destinies of all, should have peculiar obligations to discharge, and peculiar feelings to indulge, towards none of the States, we are under the most solemn obligations to reject a plan for electing the President, which would array States against States, in ambitious conflict for the mastery, and equally sacrifice the inalienable rights of the people, and the general harmony of the Union.

But there is another objection to the system of voting, by a general ticket, which the committee consider unanswerable.

It is a practical proposition, conclusively established by the experience of all the states where the experiment has been made, that this system tends, by an inevitable necessity, to transfer into the hands of a few the power of controlling the entire suffrage of the state. In a state entitled to thirty electors, and composed, perhaps, of fifty counties, it must be apparent, that almost every county

would vote for an entire ticket of its own; and that the popular will would be thus exposed to such distraction, as completely to endanger its success, without some means of giving it concentration. And as the power of the individuals selected for this purpose must be co-extensive with the wills which it would be their object to concentrate, it would follow, that they would virtually decide which of the presidential candidates should receive the whole electoral vote of the state. At the first commencement of such a system, when the persons clothed with the authority of uniting the popular will were really its representatives, no great evil would be experienced. But the slightest attention to the history of ambition, the tendency of power, or the lessons of our own experience, will convince us that such combinations change, in the natural course of things, from temporary expedients to permanent institutions; and that, from being the mere organs of the will of the people, they assume, under pretexts which ambition is seldom at a loss to devise, the power of dictating to the people.

In making these general remarks, the committee feel conscious that they are rather recording the history of the times in which they live, than their own speculations. And it is upon this high authority that they predicate the opinion, that if the plan of voting by a general ticket were established, a central power would spring up in almost every state, consisting of the ruling politicians of the day, who would be bound to the people by no tie of regular responsibility, and be, in every respect, more liable to cabal, intrigue, and corruption, than the Legislature itself. And when we reflect that the entire electoral vote of a state, upon which the presidential election itself might turn, would frequently depend upon the integrity of a few men, perhaps of a single individual, it is difficult to conceive a state of things in which there would be stronger inducements, or greater facilities for intrigue or corruption. By dividing the states into districts, all these evils would be avoided. The will of the people would be fairly expressed. No political combinations would be necessary or practicable. Every district would, at least, have its own centre of operation, upon which corruption would be brought to bear, with its inducements vastly diminished, and its consequences proportionably less to be dreaded.

The last branch of the resolution, under which the committee are acting, remains to be considered.

They have found it impracticable absolutely to exclude the possibility of the election of President and Vice-President devolving, in any event, upon Congress; but they believe, under the plan submitted, the contingency would not happen once in a century, upon which the election would devolve upon that body. They propose, in the event of no person receiving a majority of the electoral votes at the first balloting, that the electors shall again meet, forthwith, in their respective states, and vote for the two persons having the highest number of votes in the first instance. This will almost invariably ensure an election by the electors, at the second balloting. Indeed, it may be fairly presumed, that every candidate who is convinced he cannot be one of the two highest in the first instance, will withdraw from the contest; and, in this manner, the probability of an election, at the first balloting, will be very much increased.

This branch of the amendment is recommended by all the reasons which can be urged against the election of the President by the House of Representatives. And these, in the opinion of the committee, are cogent and conclusive.

All history teaches us the melancholy truth, that, in the election of a Chief Magistrate of a great Republic, intrigue and corruption, under the various and insidious disguises which they are capable of assuming, are the deleterious principles against which the precautions of human wisdom are least capable of providing an effectual resistance. The danger to be apprehended from these principles, is in direct proportion to the temptation and the means of rendering them efficient instruments in promoting the views of ambition. And what prize can hold out more attractive temptations to the ambitious than the Presidency of the United States? In pursuit of what object is even a virtuous mind so much exposed to the blandishing delusions of that wretched exultation, which makes the end sanctify the means? And when we advert to the immense store of patronage which would be placed for distribution in the hands of the successful aspirant, it cannot be disguised, that he would have precisely those means of tampering with the members of the House of Representatives, by which the wages of wickedness might be received in the disguise of virtue's recompense; and the wretch who sold his integrity, might almost delude himself into the belief that he was serving his country. It is exceedingly unpleasant to indulge the idea, that the representatives of a virtuous and enlightened people could ever be swayed from any duty by selfish or sinister views; but, we have the authority of more than human wisdom for saying, "lead us not into temptation." It is, therefore, the deliberate opinion of the committee, that the only effectual mode of preserving our government from the corruptions which have undermined the liberty of so many other nations, is to confide the election of our chief Executive Magistrate to those who are furthest removed from the influence of his patronage.

As long as the national legislature continues to have, so direct an agency in the election of the President, even excluding the supposition of corrupt influence—the most injurious effect must be produced upon the character of its members, and the temper of its deliberations. The legislators of the Union will be converted into partisans of the respective candidates for the Presidency; their mutual animosities will unavoidably distract and embarrass the essential business of the country; and, instead of devoting themselves exclusively to the great objects of their legislative trust, their time will be engrossed in holding consultations and projecting devices, for the purpose of controlling public opinion on the Presidential Election; and it would but too certainly result, that principles would be sacrificed to men.

It may be fairly assumed, that, until the constitution is amended, the President of the United States will, in general, be elected virtually by Congress, in one form or another. Without intending to blend the consideration of temporary questions and passing events with the general views here presented, the committee will be excused for adverting to the fact, that the eventual choice of the President by the House of Representatives, in a mode which makes a single member from one state, equal to thirty-six from another, will always furnish an argument, or a pretext, for those preliminary combinations, which all admit to be evils in themselves, and only to be excused as the means of avoiding greater evils. In this manner we are not only exposed to the contingent evil, growing out of the constitution itself, but the certain evil of combinations for the avowed purpose of avoiding it. Congress will not only have the power of choosing a President from the three persons who shall receive the largest number of electoral votes, but will have a plausible argument in favor of nominating a President, before the electoral vote has furnished them with any certain indication of popular opinion, to direct their choice and limit the extent of their discretion.

It cannot be disguised, therefore, that the tendency of the state of things now existing under the constitution, is to convert Congress into a permanent electoral body. Under these circumstances, the candidates for the Presidency, instead of devoting themselves to the service of the country, by measures calculated to promote the welfare and secure the confidence of the people, will be tempted to devote themselves to those arts of conciliation and management, by which the members of Congress may be most effectually secured in their interest. The ultimate consequence would be, that our chief magistrates would be elected by cabals of politicians, having views and interests alien from those of the people, and that the country would be governed by a succession of factions, each proscribing the members and destroying the work of the one which preceded it, and communicating to the operations of our system all the unsteadiness of a turbulent democracy, and all the tyranny of a temporary despotism.

The committee, therefore, believe, that the only effectual mode of rendering the government efficient and steady in its operations, and at the same time consistent with the security of the general liberty, is to infuse more of the democratic principle into the election of the President, making him in fact, as he is in theory, the choice of the people.

Having thus attempted to shew, they trust, not altogether without success, that the rights and interests of the people imperiously demand that the proposed amendment should be adopted, the Committee will offer a few concluding remarks upon the manner in which the states will be relatively affected by it.

It may be justly doubted whether, on such a question as the present, the states, as separate communities, can have any interest different from that of the people of the states, considered merely as portions of the common mass of our general population. But, as it is not to be expected, that one class of states will surrender, without an equivalent, the relative power secured to them by the constitution, the Committee have endeavored to introduce into their plan, such principles of compromise, as will be most likely to secure a general acquiescence.

The division of all the states into districts will prevent them from moving in consolidated masses, and will diminish the relative power of the large states more than that of the small states; but for this there is an ample and equitable equivalent, in the diminished probability that the election of the President will come into Congress, and in the surrender, by the small states, of their equal power, even when that contingency shall happen. This compromise is forcibly recommended by the consideration that the powers given up, both by the large and the small states, are powers which they ought not in justice to possess, and which are not transferred from one to the other, but surrendered by both to the people.

As it is obvious that neither the large nor the small states ever will consent, or perhaps ever ought to consent, to correct the great and increasing evils of our present system, without mutual equivalents, similar to those provided in the plan submitted by the Committee, the question for both to determine is, whether they will submit to the existing evils, great as they are, by the admission of all; or magnanimously offer up, on the altar of their common country, powers which are neither consistent with the rights of the People, the purity of the Government, or the harmony of the Union.